view of the matter. It discusses the rights and history of the game from its origin in 1839, and following the decision of the Missouri Supreme Court in Ex parte Neet, 157 Mo. 527, 57 S. W. 1025, 80 Am. St. Rep. 638, says that it is a game of a character entirely distinct from those specifically enumerated in the statute, and, being one which is urged upon the youth of the land as tending to increase health and physical development, the ban of the law should not be placed upon it unless it be shown that the Legislature specially so intended; and as the statute is penal in nature, requiring a strict construction, it is held not to prevent Sunday baseball.

Seizure of Intoxicating Liquors in Hands of Express Company.—In the case of the American Express Co. *v.* Mullins, 29 Supreme Court Reporter, 381, it appeared that Mullins had delivered certain liquor to the express company in the state of Kentucky for transportation to and delivery in Kansas in violation of the laws of the latter state. On arrival of the goods at destination, they were seized by a sheriff under a warrant issued by a District Court in Kansas, and notice given to show cause why they should not be forfeited and destroyed. The express company notified the shipper of the proceedings taken, and he promised to defend, but apparently did not do so, and the Kansas authorities destroyed the liquor. The present action was then instituted against the express company to recover for the loss of the goods, on the theory that it was its duty to defend the search and seizure proceedings, and that they were without warrant of law and void. The United States Supreme Court held that the shipper having received notice of the proceedings and having promised to defend, the express company was thereby relieved from this duty. As against the contention that the Kansas judgment was wrong and in conflict with a prior decision of the Supreme Court of the United States, it was held to be conclusive and unimpeachable on the theory of being based upon a mistake of law.

Cancellation of Instruments—Bill—Sufficiency—Mental Incapacity.—As held in Towner *v.* Towner, 64 S. E. 732 (Supreme Court of Appeals of West Virginia, April 20, 1909), a bill to set aside and cancel a deed of trust on the ground of mental incapacity in the grantor to execute it, charging, with reasonable certainty as to time and relation to the event, committal of the plaintiff to an asylum for the insane, and not admitting or in any way disclosing a discharge therefrom or a lucid interval, is sufficient as to the allegation of mental incompetency. It is not essential to the sufficiency of such a bill that it allege fraud or undue influence in procurement of the execution of the deed.

Curtesy—Bar—Divorce from Bed and Board.—It is held in Hartigan *v.* Hartigan, 64 S. E. 726 (Supreme Court of Appeals of West